

**From:** David Wheeler  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/23/02 11:17am  
**Subject:** Microsoft Settlement

Regarding the proposed Settlement of DOJ vs. Microsoft,

I would like to place these comments on the record in accordance with the Tunney Act.

I believe the proposed settlement is a bad one.

As a professional software engineer I understand the Microsoft's monopoly position is sustained though the use of private standards only available to Microsoft. These private standards include aspects of the Windows API and the file formats of the popular Microsoft Office software suites. Competition to the Windows OS will not be possible unless either the Office Suite is made to run on any competing OS or a competitor to the Office Suite can be created. Neither is possible as long as the information required to create this compatibility remains proprietary to Microsoft. The private API's in the Windows OS are the tools Microsoft used to extend its monopoly from the OS market into the software applications market. Since this settlement does nothing to open those private standards. Therefore, Microsoft will remain in control of its monopoly and competing ventures will be at a distinct disadvantage in emerging markets.

For these reasons I believe this settlement should be rejected so that a more satisfactory conclusion can be reached. Thank you.

Respectfully,

David Wheeler

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